



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

**BARRIER FREE DESIGN BOARD**  
**BUREAU OF CONSTRUCTION CODES**  
Conference Room 3  
2501 Woodlake Circle  
Okemos, Michigan 48864

**AGENDA**

November 14, 2008  
9:30 a.m.

- 1. Call to Order and Determination of Quorum**
- 2. Modifications to Agenda** (Pages 1 and 2)
- 3. Approval of Minutes – September 19, 2008** (Pages 3-6)
- 4. Other Business**
- 5. Exception Applications**

- 01) 80410 Cook Legal Research Library – Washtenaw (Pages 7-16)
- 02) 80793 Michigan Stadium – Washtenaw (Pages 17-33)
- 03) 80940 Tawas Area Junior High School – Iosco (Pages 34-39)
- 04) 81202 Allegan County Courthouse – Allegan (Pages 40-45)
- 05) 81378 Dream Academy High School – Berrien (Pages 46-52)
- 06) 81664 City of Wayne Youth Services – Wayne (Pages 53-59)
- 07) 82337 Jackalopes Bar and Grill – Wayne (Pages 60-67)
- 08) 82484 Lapeer Community Church – Lapeer (Pages 68-71)

*Providing for Michigan's Safety in the Built Environment*

BUREAU OF CONSTRUCTION CODES  
P O BOX 30254 • LANSING, MICHIGAN 48909  
Telephone (517) 241-9328 • Fax (517) 241-9308  
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## **Barrier Free Design Board Meeting Agenda**

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**November 14, 2008**

**6. Remand - None**

**7. Staff Report –**

**8. Public Comment**

**9. Next Meeting – January 9, 2009**

**10. Adjournment**

“The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact Margarita Torres at (517) 241-9328 at least 10 working days before the event.”



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**BARRIER FREE DESIGN BOARD  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
BUREAU OF CONSTRUCTION CODES**

Conference Room 3  
2501 Woodlake Circle  
Okemos, Michigan 48864

**MINUTES**

September 19, 2008  
9:30 a.m.

**MEMBERS PRESENT**

Mr. Roger Donaldson, Chair  
Mr. Donald Link, Vice-Chair  
Mr. Daryl Domke  
Mr. Bret Holt  
Ms. Karla Hudson  
Mr. Marvin Petty  
Mr. Tim McGladdery

**MEMBERS ABSENT**

Mr. Richard Brunvand  
Mr. Joseph Shelton

**MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH PER-  
SONNEL ATTENDING**

Ms. Beth Aben, Deputy Director, Bureau of Construction Codes  
Mr. Todd Cordill, Assistant Chief, Plan Review Division  
Ms. Usha Menon, Plan Reviewer, Plan Review Division  
Ms. Margarita Torres, BFD Secretary, Plan Review Division

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**OTHERS IN ATTENDANCE**

Mr. Harar Rashes

**1. CALL TO ORDER AND DETERMINATION OF QUORUM**

The meeting was called to order at 9:31 a.m. by Vice Chairperson Link. A quorum was determined present at that time.

**2. MODIFICATIONS TO AGENDA**

None

**3. APPROVAL OF MINUTES**

A **MOTION** was made by Board Member Donaldson and supported by Board Member Domke to approve the minutes of the July 18, 2008 meeting. **MOTION CARRIED.**

**4. TABLED ITEMS**

None

**5. OTHER BUSINESS**

2009 Election of Officers

Mr. Cordill explained that the Chairperson of the board must also serve as a member of the Construction Code Commission and must be able to attend their meetings as well.

A **MOTION** was made by Board Member Domke and supported by Board Member Petty to elect Board Member Roger Donaldson as Chairperson and Board Member Donald Link as Vice Chairperson of the Barrier Free Design Board. **MOTION CARRIED.**

A **MOTION** was made by Board Member McGladdery and supported by Board Member Link to approve the proposed 2009 Barrier Free Design Board meeting dates. **MOTION CARRIED.**

6. **EXCEPTION APPLICATIONS**

- 02) 79630, Brandywine Elementary School - Berrien
- 04) 79933, Get Back Up, Inc. - Wayne

A **MOTION** was made by Board Member Link and supported by Board Member McGladdery to adopt the reports of the Administrative Law Judge and the recommended decisions for the cases listed above. The board acknowledged the receipt of all materials submitted by the applicants. **MOTION CARRIED.**

- 01) 78958, Gavigan Residence - Mason

A **MOTION** was made by Board Member Link and supported by Board Member Hudson to adopt the report of the Administrative Law Judge and the recommended decision. However, the Board limits the exception only to the Law Office of Mr. Gavigan. **MOTION CARRIED.**

- 03) 79631, Brandywine High Middle School - Berrien

A **MOTION** was made by Board Member McGladdery and supported by Board Member Link to adopt the report of the Administrative Law Judge and the recommended decision. **MOTION CARRIED.**

- 05) 80343, Saugatuck High School - Allegan

A **MOTION** was made by Board Member McGladdery and supported by Board Member Domke to adopt the report of the Administrative Law Judge and the recommended decision. **MOTION CARRIED.**

Barrier Free Design Board Minutes

Page 4

September 19, 2008

7. **REMANDS**

No remands were received for further board action.

8. **STAFF REPORT**

Assistant Chief Todd Cordill reported on the following:

Irvin J. Poke has been named Director of the Bureau of Construction Codes and is attending the ICC Code Hearings today.

The 2006 Michigan Building Code, Michigan Residential Code and the Rehabilitation Code became effective on August 1, 2008.

The code references ICC/ANSI A117.1 2003 edition for barrier free dimensions and layouts. These code books were distributed to the board members this morning.

9. **PUBLIC COMMENT**

None

10. **NEXT MEETING**

November 14, 2008

11. **ADJOURNMENT**

Chairperson Donaldson adjourned the meeting at approximately 10:20 a.m.  
(Link **MOTION**, Domke **SUPPORT**)

Approved: \_\_\_\_\_  
Roger Donaldson, Chairperson

Date: \_\_\_\_\_

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Cook Legal Research Library  
801 Monroe Street  
Ann Arbor, MI

Applicant

Docket No. 2008-1096

Agency No. 80410

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

Issued and entered  
this 16th day of September, 2008  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on September 9, 2008, in Lansing Michigan. Present were Jacqueline Jeffery, Architect, Ron Lincoln, Senior Architect, representing the Applicant; and Usha Menon representing the Plan Review Division.

ISSUES

Should the Applicant be granted an exception from Section 1998 ICC/ANSI A 117.1, Section 407.5.4?

5. EXCEPTION APPLICATIONS  
01. 80410

### FINDINGS OF FACT

This case addresses two 39 year old elevators used in the Applicant's library building constructed in 1929. Elevator car 1 accesses 6 floors on the research side; elevator car 2 has front and side doors and can access all 6 research floors and 10 floors on the stack side. The Applicant wants to replace both elevators and update to the current codes. It is anticipated that this work will cost 1.8 million dollars. The project will be released for bids once the Board decides this application. The Applicant believes the project will take one year to complete. The plan is to replace one elevator at a time.

Because of these elevators were put in place many years ago, the shafts and configurations do not allow full compliance with the 32 inch door opening requirement for floors 2, 4, 6, and 10 from car 2. This car has doors that open on the side and front from the corner. It is not technologically feasible to make the both doors meet the required width requirement. For 6 floors one can exit the wider door to the research side and then reach the stack side, but for the four floors listed above, the only exit is to the stack side. That door width is 30 inches.

Installation of a third fully accessible elevator would cost an additional 2.2 million dollars.

There is limited access to the stacks. The general public is not permitted in this section. Students may request a specific book and a staff member will bring the book to the student. Only the staff has access to stack levels.

There are offices on the tenth floor used by library staff, but any staff member not able to access this level will be given an office on an accessible level. The Applicant currently employs a wheel chair user on the sixth floor as an example.



### CONCLUSIONS OF LAW

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Section 407.5.4 of the 1998 ICC/ANSI A 117.1 rules provides:

**Doors.** Doors shall comply with Section 407.5.4.1 or 407.5.4.2.

**407.5.4.1 Power Operated Doors.** Power operated horizontally sliding car and hoistway doors opened and closed by automatic means shall comply with Section 407.2.5.

**407.5.4.2. Manually Operated Doors.** Existing manually operated hoistway swinging doors shall comply with Sections 404.2.3 and 404.2.9. A power operated car door that opens and maintains a 32 inch (815 mm) minimum clear width shall be provided. Closing of the car door shall not be initiated until the hoistway door is closed. Car gages are prohibited.

Compelling need based on cost, structural impossibility, and limited access


has been presented to support the Applicant's exception request. A person with a disability can be employed in this building. All books in the stacks are available to students on a request basis only. Only staff members have access to the stacks. The new elevators will be brought up to current code requirements.

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from 1998 ICC/ANSI A 117.1, Section 407.5.4 to install two new elevators.

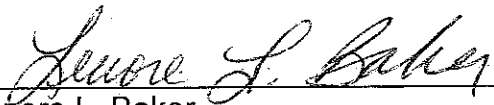
As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.

  
J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 16th day of September, 2008.

  
\_\_\_\_\_  
Lenore L. Baker  
State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Jacqueline Jeffery  
University of Michigan  
Cook Legal Research Library  
326 E Hoover  
Mail stop B  
Ann Arbor, MI 48109

Marina Roelofs  
University of Michigan Architecture  
Engineering  
326 E. Hoover  
Mail Stop E  
Ann Arbor, MI 48109

## Memo

**Date:** November 16, 2007  
**To:** Mike Bowen  
**From:** Tom Girard  
**Subject:** Hutchins Hall / Cook Legal Research Building  
Replace Elevator  
Project Nos. P00001667/ P00002037

---

In response to your request (as part of the \$25M FY07 CFO special funding), we have established the above referenced project. Note that the project was originally opened to replace one non-ADA compliant elevator in Hutchins Hall, but based on input from the Elevator Shop and the Law School, attention was refocused on the two traction elevators in Cook Legal Research instead.

The scope of work involves the complete replacement of two elevator systems, to duplicate the thirty-seven years of service that the present systems have achieved. In general, our objective in replacing and upgrading elevators is to bring them up to current codes, and to make them compliant with ADA requirements. In light of the fact that the existing elevators were installed prior to the ADA, and that the existing shaft is not readily expandable to allow for ADA compliance, the initial phase of this project studied options for replacement, and the impact of each option.

The intent of this study (full report available on request) was to determine if we should replace two existing overhead traction elevators (State of Mich. #13551 and 13552) and / or add a new overhead traction elevator in the Cook Legal Research Building. One of the two existing elevators serves just the Legal Research section of the building (six floors), the other has two doors (corner post arrangement) and serves the Stacks (ten floors) as well. The present elevators were installed in 1970.

### Direction from the PPI Committee:

At the November 1, 2007 PPI Committee meeting, options were discussed and direction was given to proceed, subject to concurrence at a final Project Team meeting slated for November 13, 2007. Options discussed were:

- Replace existing elevators with non-ADA compliant elevators (Option 1), at a Project Cost of \$1.8M (an increase of \$400k over approved funding), or
- • Add new ADA compliant car (Option 3) and replace existing elevators (Option 1), at a total Project Cost of \$4M (an increase of \$2.6M over approved funding), or
- Pursue other options.

PPI authorized proceeding with \$1.8M 1:1 replacement, which included code-required updates, and achievable ADA improvements.

At the November 13, 2007 meeting with the Project Team (including consultant A3C), the Law School and U-M ADA Coordinator, all agreed to the proposed scope as approved by PPI on November 1, 2007. AEC will proceed accordingly.

## Study Summary

The following summarizes the study, and reflects the potential project scope and anticipated project costs associated with addressing the request.

### Background Investigation:

A3C, A&E Project Team and Elevator Shop staff conducted a detailed field survey to determine the scope presented herein. Existing Architectural, Mechanical and Electrical infrastructure requires updating to meet applicable codes and ADA requirements. The two existing cars in Cook sit side-by-side. Neither of them are ADA compliant due to their small size. Based on the adjacent restrictions, it is not possible to increase the hoist-way size to meet current ADA requirements for interior car dimensions. However all of the other elements can be updated to meet all other ADA requirements, except for the car size.

The existing elevators have been prioritized for replacement by the Elevator Team, based on recurring reliability problems.

The elevators serve Law School functions which involve a fair amount of traffic by faculty, staff and students, as well as the library books. Since replacement will hamper operations during construction, the Law School staff has expressed a desire to minimize the shut-down period by using the existing shaft, without substantial renovation.

U-M ADA Coordinator Carole Dubritsky has expressed a preference to fully comply with ADA where reasonable. However, she acknowledges that a variance may be warranted based on structural limitations that prohibit replacement of the current cabs with a cab that meets ADA dimensions.

AEC Code Coordinator Jackie Jeffery has stated that if the design will not fully comply with ADA, a variance must be sought through the State of Michigan (case would go before a judge in Lansing).

### Options:

→ Option 1: Replacement of two existing cars with upgrades

#### Scope:

- Replace car, machine and controller
- Upgrade all other elements with fixtures that are ADA compliant.
- Reuse guide-rails and counterweights
- Add hallway lighting to comply with 10FC code requirement
- Add Machine Room HVAC per code.

#### Impact:

- Limited noise and dust, work primarily in machine room and hoist-way
- Each car would be out of service for 4 months.
- One car would remain in service at all times, except for a short change-over period.
- Overall construction window 12 months.
- Car dimensions would not be ADA compliant. All other components would be ADA compliant.

→ Opinion of Probable Project Cost: \$1,800,000

Option 2: Reactivation of existing dumbwaiters - Removed from consideration

→ Option 3: Enlarge former dumbwaiter shaft and install an ADA compliant car with front and side doors.

#### Scope:

- Relocate vertical pipes, conduits in shaft to new chase.
- Relocate IT services located on basement level.
- Modify existing offices, etc. from basement through the sixth floor to create hoistway.
- Construct a machine room on roof.

- Relocate existing cooling tower on roof and provide new screen wall.
- Install new car, machine and controller.
- Install new fixtures for ADA compliance.
- Install new guide-rails, counterweights and hoist-way doors.
- Add hallway lighting to comply with 10FC code requirement.
- Add Machine Room HVAC per code.

Impact:

- Front and side door allow for a single elevator lobby which allows for a single controller and more efficient operations of the elevators as a group. It also allows access by the new car to all library stack and research tower floors.
- Extensive noise and dust having significant impact on Library operations.
- Relocation and disruption of IT services, moves of Library personnel.
- Overall construction window 20 months.
- Elevator would be fully ADA compliant.

Opinion of Probable Project Cost: \$2,200,000

Option 4: Enlarge former dumbwaiter shaft and install an ADA compliant car with front and rear doors.

Scope:

- Same as Option 3 above.

Impact:

- Front and rear door do not allow for a single elevator lobby which means less efficient operations of the elevators as a group. It allows access by the new car to all library stack and research tower floors.
- Rest of impacts same as Option 3 above.

Opinion of Probable Project Cost: \$2,150,000

Option 5: Enlarge former dumbwaiter shaft and install an ADA compliant car with front door only.

Scope:

- Same as Option 3 above.

Impact:

- Front door only does not allow for a single elevator lobby which means less efficient operations of the elevators as a group. It also does not allow access by the new car to all the research tower floors, unless doors to the stacks are left unlocked at all times, which is a change from current security routine.
- Rest of impacts same as Option 3 above.

Opinion of Probable Project Cost: \$1,800,000

Note that if Option 3, 4 or 5 are selected for implementation at this time, to allow for installation of an ADA-compliant elevator, the existing elevators (addressed in Option 1) would still need to be prioritized for replacement immediately after the new elevator is installed. If funding to achieve full ADA compliance can be provided at this time with consideration of the impact to the infrastructure, A&E recommends commencing with installation of the new elevator first (Option 3, 4, or 5), then replacing the two existing elevators (Option 1). If the option to achieve full ADA-compliance cannot be accomplished without significant additional cost and impact to structural elements, A&E recommends installation of Option 1.

Note: This opinion of probable cost is intended for preliminary budget purposes only.

#### Project Close-out and Administration

This concludes the "Study" phase of this project. Since the project is approved for construction, with an original project budget of \$1.4M, and recently approved incremental funding of \$400K, A&E is prepared to change the project to "Construction Document" phase, and begin working on CDs. Since Option 1 was selected, A&E will seek a variance from ADA, based on structural impracticability.

Since the project was originally opened as a study in Hutchins Hall, and we will now be proceeding with CDs within Cook, we will close the original project: P00001667, and have opened new project P0002037.

As you are aware, the exercise to establish these opinions of probable cost is based primarily on a review of existing documents and site visits. The opinions of probable cost have been prepared on the basis of A&E experience and qualifications, and they represent the Estimating Team's judgment as professionals familiar with industry and U-M standards. However, A&E has no control over costs of labor, materials, equipment or construction methods, no guarantee can be provided that the actual cost will not vary from the opinion of probable cost.

Cc (electronically)

F&O: Hank Baier

AEC: Marina Roelofs, Jerry Schulte, Amy Rigg, Mike Contrera, Dave Stockson, Murray Jones, Sue Faust, Nick Labuskey, Khaled Alamat

PO: Rich Robben, Dave Flint, Terri Emmons, Dennis Krieg

Law School: Lois Oerther, Mary Clemence, Brent Dickman

ADA Coordinator: Carole Dubritsky

A3C: Ron Lincoln

RECEIVED

JUN 19 2008

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review Div  
P.O. Box 30255, Lansing, MI 48909  
517-241-9328  
www.michigan.gov/bcc

133

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

80 410

Application Fee: \$300.00

Authority: 1986 PA 1  
Completion: Mandatory  
Penalty: Exception will not be granted

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>				
FACILITY NAME Cook Legal Research Library			STREET / SITE ADDRESS 801 Monroe Street	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Ann Arbor			COUNTY Washtenaw	
Estimated Project Cost \$ 1,800,000.00			Estimated Cost of Compliance \$ 4,000,000.00	
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use			Building Permit / File Number P1000184-08-002	
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			PERIOD OF TIME REQUESTED?	USE GROUP
CONSTRUCTION TYPE				
Project Does Not Comply With Barrier Free Design Requirements As Follows:  Michigan Building Code Section(s)  Reason for Non-Compliance Shaft can not be widened due to structural steel and remaining space is insufficient to fit elevator door equipment and car sling.				
NAME Marina Roelofs, Executive Director		ENFORCING AGENCY Architecture, Engineering & Construction		TELEPHONE NUMBER (Include Area Code) (734) 763-3020
ADDRESS Univ. of Michigan, 326 E. Hoover, Mail Stop E		CITY Ann Arbor	ZIP CODE 48109	FAX NUMBER (Include Area Code) (734) 763-3238
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Marina Roelofs</i>				
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)				
NAME Daniel H. Jacobs		MICHIGAN LICENSE NUMBER 1301029045		FIRM NAME A3C
ADDRESS 210 East Huron Street		CITY Ann Arbor	STATE MI	TELEPHONE NUMBER (Include Area Code) (734) 663-1910
<b>APPLICANT</b> (Note: All correspondence will be sent to this address)				
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Jacqueline Jeffery / Sue Faust		COMPANY NAME University of Michigan - AEC		SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED) [REDACTED]
ADDRESS 326 E. Hoover, Mail Stop B		CITY Ann Arbor	STATE MI	TELEPHONE NUMBER (Include Area Code) 4) 763-3414
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge				FAX NUMBER (Include Area Code) (734) 936-3334
APPLICANT SIGNATURE (Must be an original signature) <i>[Signature]</i>			DATE 6/18/08	



STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES

In the matter of

Michigan Stadium  
1 E. Stadium  
Ann Arbor, MI

Applicant

Docket No. 2008-987

Agency No. 80793

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

Issued and entered  
this 16th day of September, 2008  
by J. Andre Friedlis  
Administrative Law Judge

**REPORT OF THE ADMINISTRATIVE LAW JUDGE**

**PROCEDURAL FINDINGS**

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held in Lansing Michigan on September 9, 2008. Present were Rick Reichman, Project Manager, John Peterkord, Architect, representing the Applicant and Usha Menon, representing the Plan Review Division.

**ISSUE**

Should the Applicant be granted exceptions from Sections 1104.4 and

1109.2 of the 2003 Michigan Building Code (MBC)? Ms. Menon agreed Section 1103.1 could be deleted.

### **FINDINGS OF FACT**

The Applicant plans a major expansion and renovation of Michigan Stadium at a cost of 226 million dollars. Work began in November 2007 and is expected to be complete by September 2010. The west side will be expanded by adding additional toilets, concessions, suites, press facilities, and a photo deck. The east side will have elevated concessions, circulation areas, additional bathrooms, indoor and outdoor club areas, and suites. The north and south ends will have additional bathrooms, public safety offices, and first aid stations. The stadium will retain approximately 106,000 seats.

There is currently a men and women bathroom facility accessible by stairway 14 to 15 feet below grade. These were built before the Barrier Free Design law took effect. The renovation proposes providing one men and two women bathroom facilities on this lower level accessible by stairway. There will be no concessions on this lower level.

It would cost an additional \$75,000 to install a small elevator to reach this lower level during the current renovation. Adding this elevator would reduce the circulation space needed for over 100,000 people.

The required barrier free bathroom fixture count will be met on accessible levels.

### CONCLUSIONS OF LAW

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

The provisions from the 2003 MBC at issue in this case are the following:

Section 1104.4 provides:

**Multilevel buildings and facilities.** At least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities  
[Exception Omitted]

Section 1109.2 addresses toilet and bathing facilities:

**Toilet and bathing facilities:** Toilet rooms and bathing facilities shall be accessible. Where a floor level is not

required to be connected by an accessible route, the only toilet rooms or bathing facilities provided within the facility shall not be located on the inaccessible floor. At least one of each type of fixture, element, control or dispenser in each accessible toilet room and bathing facility shall be accessible.

[Exception Omitted]

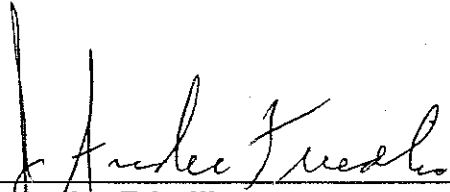
Compelling need based on cost, duplicate facilities, and space limitations has been presented. The required barrier free fixture count will be met on accessible levels. The lower level bathrooms were in place before the Barrier Free Design law took effect. The Applicant is simply providing additional facilities to aid in visitor circulation. There will be nothing other than bathrooms on the lower level.

#### **RECOMMENDED DECISION**

I recommend the Board grant the Applicant exceptions from Sections 1104.4 and 1109.2 of the 2003 Michigan Building Code for access to below grade bathrooms.

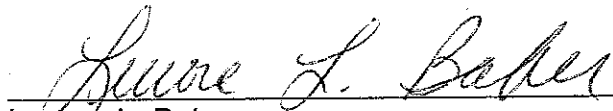
As a condition to granting these exceptions, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.

  
\_\_\_\_\_  
J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 10th day of September, 2008.



Lenore L. Baker

State Office of Administrative Hearings and Rules

Doug Hanna  
Architecture Engineering & Construction  
326 E. Hoover  
Mail Stop B  
Ann Arbor, MI 48109

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Rick Reichman  
University of Michigan AEC  
Michigan Stadium  
326 E Hoover  
Mail Stop B  
Ann Arbor, MI 48109

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JUL 02 2008

**HNTB**

June 12, 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review Division  
P.O. Box 30265  
Lansing, MI 48909

**Re: Michigan Stadium Renovation and Expansion  
New West Side Men's and Women's Public Restroom Facilities  
Application for Barrier Free Design Rule Exception  
HNTB Project No. 40134**

To whom it may concern,

The following is Attachment 'A' to the Application for Barrier Free Design Rule Exception explaining the reason for non-compliance with Section 1109.2 – Toilet and Bathing Facilities of the Michigan Building Code – 2003. Please refer to the following attached drawings identifying the location / distribution of the public restroom facilities around Michigan Stadium. Drawing A2 and A8 identify the west sideline Sub-Grade Level public restroom facilities for which a design rule exception is being requested.

Drawing A1 – Architectural Site Plan  
Drawing A2 – Sub-Grade Level (West Side)  
Drawing A3 – Lower Concourse Level Plan (East Side)  
Drawing A4 – Main Concourse Level Plan (100)  
Drawing A5 – East Outdoor Club Level and West Upper Concourse Plan (200)  
Drawing A6 – Existing Sub-Grade Level (West Side)  
Drawing A7 – Existing Main Concourse Level (West Side)  
Drawing A8 – New Sub-Grade Level (West Side)  
Drawing A9 – New Main Concourse Level (West Side)

## **ATTACHMENT 'A'**

### **Existing Condition**

The west sideline of the University of Michigan Stadium contains an accessible route at the Main Concourse Level. Along this Main Concourse Level, near mid-field, are existing women's restrooms, refer to Drawing A7. At a Sub-Grade Level beneath the Main Concourse Level, are an additional existing women's restroom and a men's restroom, refer to Drawing A6. These sub-grade restrooms are accessible only by stairs. All of these west sideline restrooms, none of

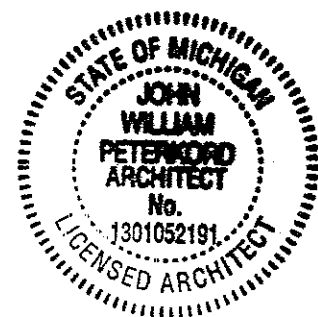
which are accessible, will be demolished and replaced with new facilities as part of the Stadium Expansion Project.

### **New Condition**

The new west sideline Main Concourse Level restrooms are shown on Drawings A4 and A9. The two new women's restrooms at the Main Concourse Level will each be provided with 1 accessible lavatory, 1 wheelchair accessible water closet, and 1 one accessible ambulatory stall. The two new men's restrooms at the Main Concourse Level will each be provided with 1 accessible lavatory, 1 wheelchair accessible stall, 1 ambulatory stall, and 1 accessible urinal. The remainder of the toilet fixtures in these Main Concourse Level restrooms will be non-accessible fixtures. In addition to the women's and men's restrooms on the west side there will be three family toilets provided as shown on Drawing A4. Directly below each of the Main Concourse Level women's restrooms, with the accessible fixtures, will be a Sub-Grade Level women's restroom with additional non-accessible fixtures as shown on Drawings A2 and A8. Directly below the two Main Concourse Level men's restrooms, with the accessible fixtures, will be a Sub-Grade Level men's restroom with additional non-accessible fixtures as shown on Drawings A2 and A8. Due to the tight site constraints along the west sideline at the Main Concourse Level there is not adequate space available to accommodate these additional non-accessible fixtures without significantly impacting the pedestrian circulation along the concourse. Thus, additional non-accessible fixtures were located immediately below the accessible toilet rooms. There is no resulting diminishment in accessibility with this design. The Design Team's approach takes the non-accessible fixtures, which would otherwise have been located at the Main Concourse (and be permitted to be on a non-accessible route within the restroom) and relocates them to the Sub-Grade Level beneath the accessible portions of the toilet rooms.

### **Conclusion**

The end result is instead of having two women's restrooms at the Main Concourse Level consisting of 2 accessible lavatories, 2 accessible wheelchair stalls, 2 ambulatory stalls, 36 non-accessible lavatories, and 100 non-accessible water closets, there will be two, two-level women's restrooms with the same number of fixtures, including the same number of accessible fixtures. The accessible fixtures are on an accessible route at the Main Concourse. In a similar fashion, instead of having two men's restrooms at the Main Concourse Level consisting of 2 accessible lavatories, 2 accessible wheelchair stalls, 2 ambulatory stalls, 2 accessible urinals, 27 non-accessible lavatories, 14 non-accessible water closets, and 36 non-accessible urinals, there will be a two-level restroom with the same number of fixtures, including the same number of accessible fixtures. The accessible fixtures are on an accessible route at the Main Concourse. Equivalent facilitation is maintained.



Self No. File







**HNTB**  
ARCHITECTS  
PLANNERS

THE HNTB COMPANY, INC.  
10000 E. 15th Avenue, Suite 100  
Denver, CO 80231  
303.750.1000  
www.hntb.com

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THE UNIVERSITY OF MICHIGAN  
Ann Arbor, Michigan  
PREPARED FOR  
MICHIGAN STADIUM EXPANSION



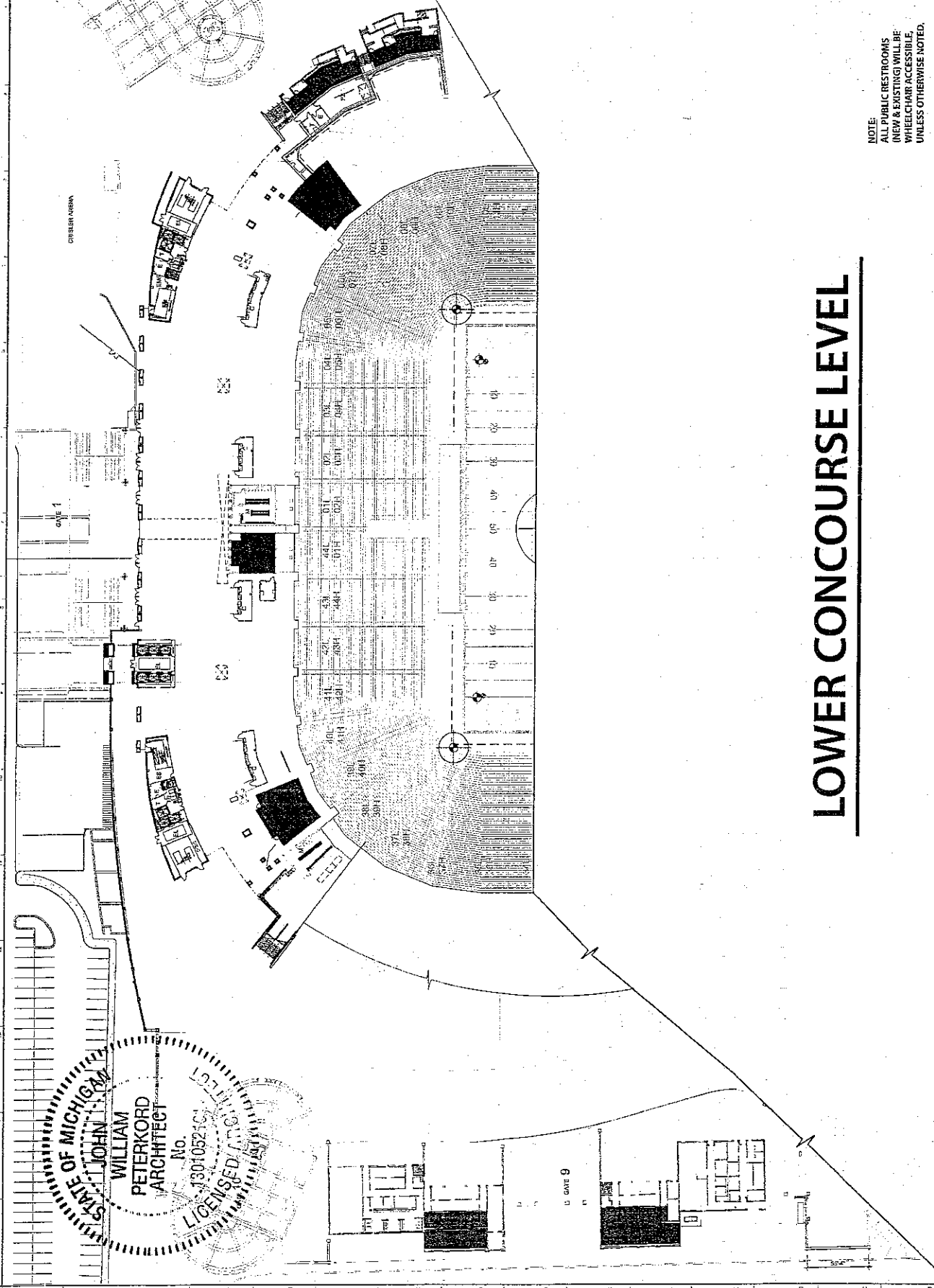
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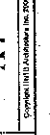
Lower  
Concourse Level  
Plan  
**A3**

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NOTE:  
ALL PUBLIC RESTROOMS  
(NEW & EXISTING) WILL BE  
WHEELCHAIR ACCESSIBLE,  
UNLESS OTHERWISE NOTED.  
■ WOMEN'S RESTROOMS  
■ MEN'S RESTROOMS  
■ UNISEX RESTROOMS

# LOWER CONCOURSE LEVEL





Main  
Concourse Level  
(100)  
A4

**WOMEN'S RESTROOMS**  
**MEN'S RESTROOMS**  
**UNISEX RESTROOMS**

STATE OF MICHIGAN  
JOHN WILLIAM  
PETERKORD  
ARCHITECT  
No. 13010521C



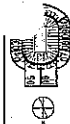
**HEINIS Nichols Architects, Inc.**  
**An INET Company**  
**ARCHITECTS**  
**ENGINEERS**  
**PLANNERS**  
 225 N. 1st Ave.  
 Minneapolis, MN 55401-6605  
 Tel: (612) 338-1000 Fax: (612) 338-1000

[illegible]

5025 W. 43rd Ave.  
 Englewood, CO 80152  
 (303) 471-4656 FAX (303) 471-4657  
 E-mail: [info@englewood.com](mailto:info@englewood.com)  
 Web: [www.englewood.com](http://www.englewood.com)

[illegible]

THE UNIVERSITY OF MICHIGAN  
MICHIGAN STADIUM EXPANSION  
Ann Arbor, Michigan  
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THE UNIVERSITY OF MICHIGAN



[illegible]East Outdoor Club  
Level & West  
Upper Concourse

55A

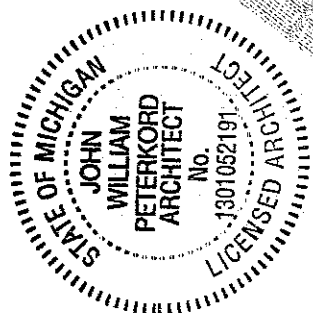
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— **part 1**

**ALL PUBLIC RESTROOMS (NEW & EXISTING) WILL BE WHEELCHAIR ACCESSIBLE, UNLESS OTHERWISE NOTED.**

 WOMEN'S RESTROOMS  
 MEN'S RESTROOMS  
 UNISEX RESTROOMS

## UPPER CONOURSE LEVEL





ARCHITECTS  
ENGINEERS  
PLANNERS

[illegible]

THE UNIVERSITY OF MICHIGAN  
Ann Arbor, Michigan  
THE UNIVERSITY OF MICHIGAN

[illegible]

Existing  
Sub-Grade  
Level  
A6

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M91

M61

**EXISTING  
MEN'S TOILET  
TO BE DEMOLISHED**

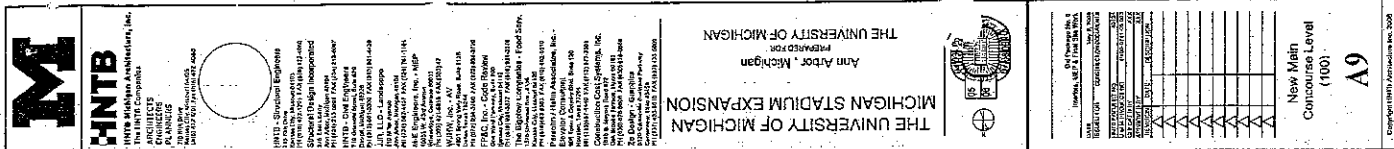
**EXISTING -  
WOMEN'S TOILET  
TO BE DEMOLISHED**

## EXISTING SUB-GRADE LEVEL

**WOMEN'S RESTROOMS**  
**MEN'S RESTROOMS**  
**UNISEX RESTROOMS**









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BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review D  
P.O. Box 30255, Lansing, MI 48909  
517-241-9328  
www.michigan.gov/bcc

133

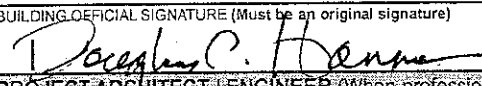
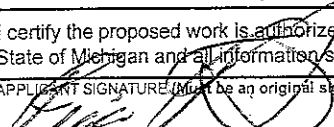
80 793

Application Fee: \$300.00

Authority: 1986 PA 1	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.
Completion: Mandatory	
Penalty: Exception will not be granted	

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204

Note: The applicant is responsible for all fees applicable to this application.

FACILITY INFORMATION				
FACILITY NAME		STREET / SITE ADDRESS		
Michigan Stadium		1 East Stadium		
NAME OF CITY VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED		COUNTY		
<input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Ann Arbor		Washtenaw		
Estimated Project Cost \$ 226,000,000.00		Estimated Cost of Compliance \$ 75,000.00		
BUILDING PERMIT (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input checked="" type="checkbox"/> New Building <input type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number P1000711-05-003		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP	CONSTRUCTION TYPE
Project Does Not Comply With Barrier Free Design Requirements As Follows:				
Michigan Building Code Section(s)				
1109.2 - Toilet and Bathing Facilities				
Reason for Non-Compliance				
See Attachment "A".				
NAME		ENFORCING AGENCY		TELEPHONE NUMBER (Include Area Code)
Doug Hanna		Architecture, Engineering & Construction		(734) 763-3020
ADDRESS		CITY	ZIP CODE	FAX NUMBER (Include Area Code)
University of Michigan - 326 E. Hoover		Ann Arbor	48109	(734) 763-3238
BUILDING OFFICIAL SIGNATURE (Must be an original signature)				
				
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
NAME		MICHIGAN LICENSE NUMBER	FIRM NAME	
John W. Peterkord		1301052191	HNTB Michigan Architecture, Inc.	
ADDRESS		CITY	STATE	ZIP CODE
715 Kirk Drive		Kansas City	MO	64105
TELEPHONE NUMBER (Include Area Code)				
(816) 472-1201				
APPLICANT (Note: All correspondence will be sent to this address)				
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE		COMPANY NAME		SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED)
Rick Reichman		University of Michigan - AEC		
ADDRESS		CITY	STATE	ZIP CODE
326 E. Hoover, Mail Stop B		Ann Arbor	MI	48109
TELEPHONE NUMBER (Include Area Code)				
(734) 615-3883				
FAX NUMBER (Include Area Code)				
(734) 763-3238				
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.				DATE
				7-1-08

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

In the matter of

Docket No. 2008-1109

Tawas Area Junior High School  
255 W. M55  
Tawas City, MI  
Applicant

Agency No. 80940

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

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SEP 24 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Issued and entered  
this 23rd day of September, 2008  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on September 16, 2008, in Lansing Michigan. Present were Kurt Fogelsonger, Architect representing the Applicant and Usha Menon, representing the Plan Review Division.

ISSUE

Should the Board grant the Applicant an exception from Section 404.2.4.1 of the 1998 ICC/ANSI A117.1 code?

### **FINDINGS OF FACT**

This building will be used for the junior and senior high school, grades 6 through 12; it was built in 1953

There are two sets of toilets at each end of the single story, 100,000 square foot building.

The Applicant has spent \$150,000 bringing one set of bathrooms - male and female - up to barrier free code requirements except for the entrance latch side clear space requirement. The modifications allowed a 4 foot wide entrance where 5 feet is required. As an alternative to substantial additional construction, the Applicant wants to install a push button device at each of the 4 doors providing entry to these bathrooms. These devices cost \$2,500 each or \$10,000 for 4 doors.

In contrast, if the Applicant has to widen the approaches, the construction would cost \$24,000 and require altering the janitor's closet and kitchen.

There is a second set of bathrooms in the men's and women's locker rooms that will not be altered during this effort.

This is the first remodeling since construction in 1953. The difference in price between \$10,000 and \$24,000 is significant considering the funding limitations faced by the District.

### **CONCLUSIONS OF LAW**

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier

Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when compelling need is demonstrated by the Applicant. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules which have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Section 404.2.4.1 of the 1998 ICC/ANSI A117.1 Code provides:

**Swinging Doors.** Swinging doors shall have maneuvering clearances complying with Table 404.2.4.1

Compelling need based on cost and the availability of an alternative push button device has been presented to justify granting the Applicant's request for exception. While the altered bathrooms will not satisfy the latch side clear space requirement, adding push buttons will allow wheel chair users easy access to these facilities. The buttons will mean the users will not have to open doors and maneuver into the bathroom. And adding these buttons will save the District \$14,000.

### **RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 404.2.4.1 of the 1998 ICC/ANSI A117.1 code for the bathrooms specified above. In place of providing the latch side clear space, the Applicant will install 4 push buttons to provide

access. As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin P. P. P.



J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 23rd day of September, 2008.



Lenore L. Baker

State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Kurt L Fogelsonger  
Wigen Tincknell Meyer & Associates  
100 S. Jefferson Ave.  
Suite 601  
Saginaw, MI 48607

Todd Cordill  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

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## Application for Barrier Free Design Rule Exception

133

Michigan Department of Labor &amp; Economic Growth

Bureau of Construction Codes / Plan Review Division

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

P.O. Box 30255, Lansing, MI 48909

517-241-9328

www.michigan.gov/bcc

80 940

Application Fee: \$300.00

Authority: 1966 PA 1	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
Completion: Mandatory	
Penalty: Exception will not be granted	

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>			
FACILITY NAME Tawas Area Junior / Senior High School		STREET / SITE ADDRESS 255 West M-55	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Tawas City		COUNTY Iosco	
Estimated Project Cost \$ 150,000.00		Estimated Cost of Compliance \$ 24,000.00	
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)			
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number 79597-Iosco	
Is a Temporary Exception Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes	PERIOD OF TIME REQUESTED?	USE GROUP E	CONSTRUCTION TYPE I B
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) 1998 ICC/ANSI A117.1, SECTION 404.2.4.1 MANEUVERING CLEARANCE Reason for Non-Compliance EXISTING TOILETS			
NAME Todd Cordill		ENFORCING AGENCY State of Michigan Bureau of Construction Codes	
ADDRESS P.O. Box 30254		CITY Lansing	TELEPHONE NUMBER (Include Area Code) (517) 241-9328
BUILDING OFFICIAL SIGNATURE (Must be an original signature)		ZIP CODE 48909	FAX NUMBER (Include Area Code) (517) 241-9308
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)			
NAME Thomas Reay, AIA treay@wtmarchitects.com		MICHIGAN LICENSE NUMBER 1301027073	FIRM NAME Wigen Tincknell Meyer & Associates
ADDRESS 100 South Jefferson Ave., #601	CITY Saginaw	STATE MI	TELEPHONE NUMBER (Include Area Code) (989) 752-8107
<b>APPLICANT</b> (Note: All correspondence will be sent to this address)			
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Kurt L. Fogelsonger, AIA		COMPANY NAME Wigen Tincknell Meyer & Associate	SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED)
ADDRESS 100 South Jefferson Ave., #601	CITY Saginaw	STATE MI	TELEPHONE NUMBER (Include Area Code) (989) 752-8107
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.			FAX NUMBER (Include Area Code) (989) 752-3125
APPLICANT SIGNATURE (Must be an original signature) Kurt Fogelsonger		DATE 7/3/08	

\*This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act

**STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

In the matter of

Allegan County Courthouse  
113 Chestnut  
Allegan, MI

Applicant

Docket No. 2008-1044

Agency No. 81202

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

5. EXCEPTION APPLICATIONS  
04. 81202

Issued and entered  
this 16th day of September, 2008  
by J. Andre Friedlis  
Administrative Law Judge

**REPORT OF THE ADMINISTRATIVE LAW JUDGE**

**PROCEDURAL FINDINGS**

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on September 9, 2008, in Lansing, Michigan. Present were Robert VanPatten, representing the Applicant, and Usha Menon, representing the Plan Review Division.

**ISSUES**

Should the Board grant the Applicant an exception from 1998 ICC/ANSI A 117.1, Sections 404.2.3 and 404.2.4.1?



### FINDINGS OF FACT

At issue in this case is a private restroom that after current renovations will be adjacent to Judge Buck's newly constructed chambers. This bathroom is part of an existing bathroom and the door opening cannot be widened due to an existing structural column. New fixtures and a grab bar will be installed in this bathroom but the door opening cannot be changed. The bathroom door will be 32 inches providing a clear opening of 29 to 30 inches. Also at issue is a shelving unit near the door that infringes on the front push side approach requirement.

A building permit was issued in the summer of 2008; work began in mid August, and the project is expected to be complete by March 1, 2009. The expected project cost is \$650,000. The project will involve remodeling 8000 square feet of the 80,000 square foot 3 story building. Included will be additional hearing rooms, and a new court room and chambers for Judge Buck.

No one but Judge Buck will use this bathroom. In the event he becomes unable to use this facility, other accessible court rooms on the same floor can be used. Other Judges would change courtrooms with Judge Buck if this became necessary.

Public barrier free bathrooms are available 40 feet away from the new Probate Court room.

### CONCLUSIONS OF LAW

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated

conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules, which have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Sections 404.2.3 and 404.2.4.1 of the 1998 ICC/ANSI A 117.1 code provide:

**404.2.3 Clear Width.** Doorways shall have a clear opening of 32 inches (815 mm) minimum. Clear opening of doorways with swinging doors shall be measured between the face of door and stop, with the door open 90 degrees. Openings more than 24 inches (610 mm) deep shall provide a clear opening of 36 inches (915 mm) minimum. There shall be no projections into the clear opening width lower than 34 inches (865 mm) above the floor or ground. Projections into the minimum clear opening width more than 34 inches (865 mm) and up to 80 inches (2020 mm) above the floor or ground are permitted but shall not exceed 4 inches (102 mm).

**404.2.4.1 Swinging Doors.** Swinging doors shall have maneuvering clearances complying with Table 404.2.4.1.

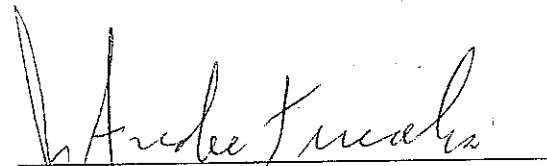
Compelling need based on limited use and structural limitations has been presented to justify the requested exception. It is reasonable to grant an exception here where only Judge Buck will use the bathroom at issue and sufficient barrier free bathrooms have been provided for staff and the public. Moreover, other court rooms on the same floor are accessible. These Judges would exchange court rooms if this became needed.

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from 1998 ICC/ANSI A 117.1, Sections 404.2.3 and 404.2.4.1. for the nonpublic toilet room that will be used only by Judge Buck.

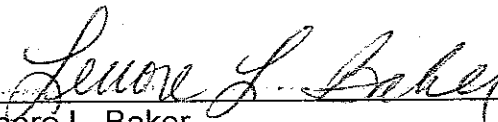
As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.

  
J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 14th day of September, 2008.

  
\_\_\_\_\_  
Lenore L. Baker  
State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Robert VanPutten  
Landmark Design Group PC  
Allegan County Courthouse  
6139 Tahoe Drive SE  
Grand Rapids, MI 49546

Ted Hanson  
City of Allegan  
112 Locust St  
Allegan, MI 49010

# RECEIVED

JUL 22 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review  
P.O. Box 30255, Lansing, MI 48906  
517-241-9328  
www.michigan.gov/bcc

133

81 202

Application Fee: \$300.00

Authority: 1986 PA 1	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.
Completion: Mandatory	
Penalty: Exception will not be granted	

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>			
FACILITY NAME <b>Allegan County Courthouse</b>		STREET / SITE ADDRESS <b>113 Chestnut, MI, 49010</b>	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of <b>Allegan</b>		COUNTY <b>Allegan</b>	
Estimated Project Cost <b>\$ 700,000.00</b>		Estimated Cost of Compliance <b>\$ 25,000.00</b>	
BUILDING PERMIT (To be completed by the administrative authority responsible for issuing the building permit for this project)			
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number <b>Pending</b>	
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP <b>B</b>
			CONSTRUCTION TYPE <b>II B</b>
Project Does Not Comply With Barrier Free Design Requirements As Follows:			
Michigan Building Code Section(s) <b>Michigan Barrier Free Manual Chapter 17</b>			
Reason for Non-Compliance <b>Doorways</b>			
<b>Existing Room Area</b>			
NAME <b>Ted Hanson</b>		ENFORCING AGENCY <b>City of Allegan</b>	
ADDRESS <b>112 Locust Street</b>		CITY <b>Allegan</b>	TELEPHONE NUMBER (Include Area Code) <b>269-686-1104</b>
		ZIP CODE <b>49010</b>	FAX NUMBER (Include Area Code) <b>269-673-2869</b>
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <b>T Hanson@CityOfAllegan.org</b>			
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)			
NAME <b>Bob Van Putten, President</b>		MICHIGAN LICENSE NUMBER <b>1301032638</b>	
FIRM NAME <b>Landmark Design Group, P.C.</b>			
ADDRESS <b>6139 Tahoe</b>	CITY <b>Grand Rapids</b>	STATE <b>MI</b>	ZIP CODE <b>49546</b>
		TELEPHONE NUMBER (Include Area Code) <b>616-956-0606</b>	
APPLICANT (Note: All correspondence will be sent to this address)			
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE <b>Bob Van Putten, President</b>		COMPANY NAME <b>Landmark Design Group, P.C.</b>	
SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED)			
ADDRESS <b>6139 Tahoe</b>	CITY <b>Grand Rapids</b>	STATE <b>MI</b>	ZIP CODE <b>49546</b>
		TELEPHONE NUMBER (Include Area Code) <b>616-956-0606</b>	
FAX NUMBER (Include Area Code) <b>616-959-9406</b>			
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge			
APPLICANT SIGNATURE (Must be an original signature) <b>[Signature]</b>			DATE <b>7.1.08</b>

\*This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act.

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

In the matter of

Dream Academy High School  
248 E. Ninth Street  
Benton Harbor, MI

Applicant

Docket No. 2008-1068

Agency No. 81378

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

5. EXCEPTION APPLICATIONS  
05. 81378

RECEIVED

SEP 24 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Issued and entered  
this 2nd day of September, 2008  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on September 16, 2008, in Lansing Michigan. Present were Mary McCormick, Architect; Winn Wolf, Building Owner; Saad Khalaf, Architect, representing the Applicant and Usha Menon, representing the Plan Review Division.

ISSUE

Should the Board grant the Applicant an exception from Section 1109.2 of the 2003 Michigan Building Code (MBC)?

### FINDINGS OF FACT

On March 1, 2008, Mr. Wolf purchased the building at issue for \$115,000. Prior to his purchase, the building was used by Dean Foods for testing food products. This building is a one story brick structure built in 1951 with 20,000 square feet. Barrier free compliance is required because the building interior is being entirely renovated and also because the use group has been changed.

A building permit was issued on or about July 7, 2008 to renovate the interior at an expected cost of \$850,000. Renovation is expected to be complete at the end of October 2008. The renovation consists of interior demolition, erection of partitions, fire walls, 10 class rooms, administrative offices, a media center (library), and a multipurpose room. A science lab remains to be added. A certificate of occupancy has been issued and the school year has started with 140 students. Up to 230 students can be admitted in grades 9 through 12. The school has 11 to 12 teachers and support staff.

The building has female toilet facilities with 2 water closets, 2 lavatories, and male facilities with 2 water closets, 2 lavatories, and one urinal. These toilets are located in an angle of the building whose walls are constructed of concrete blocks. All plumbing lines are located within these blocks. It would cost between \$70,000 and \$90,000 to reconstruct these bathrooms, removing the block walls and replacing the plumbing lines. But this work would require pushing into the staff entrance, main building entrance, class rooms, server room containing the fire alarm panel, and administrative area. Reconstructing all these areas to accommodate the expanded bathrooms and reconstructing the bathrooms would cost in the area of \$220,000.

As an alternative, the Applicant proposes building one single use male and one single use female barrier free compliant bathroom near the multipurpose room.

The Applicant pointed out that the 2006 Building Code allows adding a unisex bathroom where it is technically infeasible to modify existing bathrooms. See Section 3409.8.9 of the 2006 Code.

### **CONCLUSIONS OF LAW**

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when compelling need is demonstrated by the Applicant. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules which have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Section 1109.2 of the MBC provides:

**Toilet and bathing facilities.** Toilet rooms and bathing facilities shall be accessible. Where a floor level is not required to be connected by an accessible route, the only toilet rooms or bathing facilities provided within the facility shall not be



located on the inaccessible floor. At least one of each type of fixture, element, control or dispenser in each accessible toilet room and bathing facility shall be accessible  
[Exceptions Omitted]

Section 3409.8.9 of the 2006 Michigan Building Code provides:

**Toilet rooms.** Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an accessible unisex toilet or bathing facility is permitted. The unisex facility shall be located on the same floor and in the same area as existing facilities.

Compelling need based on cost and technical infeasibility has been presented to justify granting the Applicant's request for exception. While the existing bathrooms do not satisfy the barrier free requirements, the Applicant will provide a single use male and female facility near the existing non compliant bathrooms.

Requiring the applicant to modify the existing bathrooms will cost a great deal due to the need to reconstruct entrances, classrooms, and the server room containing the fire alarm panel. Because the block walls contain the plumbing lines, the bathroom areas would need to be demolished and rebuilt.

The Applicant's proposal to add two new barrier free compliant single use bathrooms is a reasonable alternative.

### **RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1109.2 of the MBC for the bathrooms specified above. As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

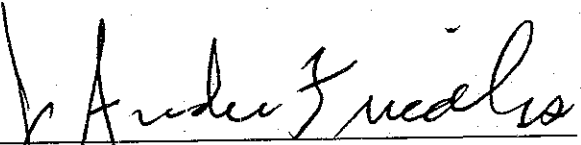
A party may file comments, clarifications or objections to this Report,

Docket Nos. 2008-1068

Page 5

including written arguments, with the Bureau of Construction Codes, P.O. Box 30254,

Lansing, Michigan 48909, Attention: Irvin Poke.

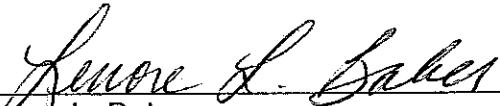


---

J. Andre Friedlis  
Administrative Law Judge

**PROOF OF SERVICE**

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 23rd day of September, 2008.

  
\_\_\_\_\_  
Lenore L. Baker  
State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Mary C McCormick  
Frank McCormick & Khalaf Architects LLC  
Dream Academy High School  
28 W. Adams Ave. Suite 1400  
Detroit, MI 48226

Todd Cordill  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

RECEIVED

JUL 29 2008

Application for Barrier Free Design Rule Exemption  
 Michigan Department of Labor & Economic Growth  
 Bureau of Construction Codes / Plan Review Division  
 P.O. Box 30255, Lansing, MI 48909  
 517-241-9328  
 www.michigan.gov/bcc

133

BUREAU OF CONSTRUCTION CODES

PLAN REVIEW DIVISION

Application Fee: \$300.00

81 378

Authority: 1966 PA 1  
 Completion: Mandatory  
 Penalty: Exception will not be granted

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>			
FACILITY NAME Dream Academy High School		STREET / SITE ADDRESS 248 E. Ninth Street	
NAME OF CITY / VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Benton Harbor		COUNTY Berrien	
Estimated Project Cost \$ 800,000		Estimated Cost of Compliance \$ 50,000	
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)			
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number	
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP E
			CONSTRUCTION TYPE III B
Project Does Not Comply With Barrier Free Design Requirements As Follows:			
Michigan Building Code Section(s) 2003 MBC Section 1109.2			
Reason for Non-Compliance Existing toilets			
NAME Todd Cordill, NCARB		ENFORCING AGENCY STATE OF MICHIGAN, BUREAU OF CONSTRUCTION CODES	
ADDRESS P.O. Box 30254		CITY Lansing	TELEPHONE NUMBER (Include Area Code) (517) 241-9328
		ZIP CODE 48909	FAX NUMBER (Include Area Code) (517) 241-9308
BUILDING OFFICIAL SIGNATURE (Must be an original signature) 			
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)			
NAME Saad Khalaf		MICHIGAN LICENSE NUMBER 1301053392	FIRM NAME FMK Architects, LLC
ADDRESS 28 West Adams, Suite 1400	CITY Detroit	STATE MI	TELEPHONE NUMBER (Include Area Code) (313) 234-8700
<b>APPLICANT</b> (Note: All correspondence will be sent to this address)			
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Mary Clare McCormick		COMPANY NAME FMK Architects, LLC.	SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED) 
ADDRESS 28 West Adams, Suite 1400	CITY Detroit	STATE MI	TELEPHONE NUMBER (Include Area Code) (313) 234-8700
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.			FAX NUMBER (Include Area Code) (313) 234-8701
APPLICANT SIGNATURE (Must be an original signature) 			DATE July 25, 2008

\*This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act.

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

RECEIVED

In the matter of  
SEP 25 2008

City of Wayne Youth Services

BUREAU OF CONSTRUCTION CODES  
3030 S. Wayne Road

PLAN REVIEW DIVISION  
Wayne, MI  
Applicant

Docket No. 2008-1108

Agency No. 81664

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

Issued and entered  
this 23rd day of September, 2008  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on September 16, 2008 in Lansing, Michigan. Present were Peter J. McInerney Community Development Director, representing the Applicant, Patrick W. Ostrosky, Building Official for the city of Wayne, and Usha Menon, representing the Plan Review Division.

ISSUE

Should the Board grant the Applicant exceptions from Section 1109.2 of the 2003 Michigan Building Code (MBC) and Section 404.2.3 of the 1998 ICC/ANSI A 117.1 code?

5. EXCEPTION APPLICATIONS  
06. 81664

**FINDINGS OF FACT**

The building at issue was built in approximately 1950; it is a one story structure with 2200 square feet. The city of Wayne bought the building in 1999 for use as a youth services area in cooperation with the police and probation departments.

The city desires to sell the building to a buyer who will use it as an appliance repair business. He will spend considerable time in the field doing repairs at customer homes, but will sell appliance parts from this building. The sale price is \$105,000, but the sale is contingent on receiving approval from the Board to retain the existing bathroom. The use group has been changed from Business use to Mercantile. Accordingly, the entire building needs to comply with barrier free requirements.

There is one unisex bathroom in this building. It does not satisfy barrier free requirements concerning the width of the door opening and the maneuvering clearances. The bathroom is constructed with cinder block walls. Moving the walls toward the south would obstruct the electrical panel and plumbing lines. Moving the walls to the north would obstruct the building entrance. The only way to provide a barrier free bathroom would be to build a completely new facility elsewhere in the building at an estimated \$10,000.

The purchaser plans to build a counter across the inside front of the building. Customers will have approximately 100 square feet in front of this barrier to purchase appliance parts. Customers will not have access to the bathroom. The purchaser will have no employees.

The youth services function has moved out of this building; the structure is vacant.

### CONCLUSIONS OF LAW

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Section 1109.2 of the 2003 MBC addresses bathrooms in pertinent part:

**1109.2 Toilet and bathing facilities:** Toilet rooms and bathing facilities shall be accessible. At least one of each type of fixture, element, control or dispenser in each accessible toilet room and bathing facility shall be accessible. (Exceptions omitted)

Section 404.2.3 of the ICC/ANSI A 117.1 code provides:

**Clear Width.** Doorways shall have a clear opening of 32 inches (815 mm) minimum. Clear opening of doorways with swinging doors shall be measured between the face of door and stop, with the door open 90 degrees. Openings more than 24 inches (610 mm) deep shall provide a clear opening of 36 inches (915 mm) minimum. There shall be no projections into the clear opening width lower than 34 inches (865 mm) above

the floor or ground. Projections into the minimum clear opening width more than 34 inches (865 mm) and up to 80 inches (2020 mm) above the floor or ground are permitted but shall not exceed 4 inches (102 mm).

Compelling need based on limited use, structural difficulties, and cost has been presented to justify approval of the Applicant's request for exception. The building will be used by one person on a limited basis because much of his work will be at customer homes. The bathroom is surrounded by block walls making it structurally difficult to enlarge. As noted above, expansion to the south would affect the electrical panel and plumbing lines. Expanding to the north would require reconstruction of the building entrance.

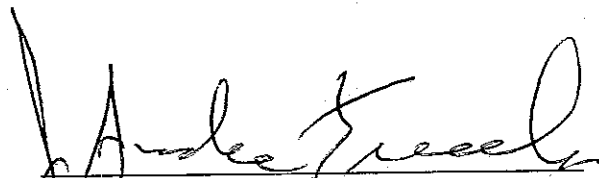
Building a new bathroom would cost approximately \$10,000. This would be a considerable sum considering only the business owner would use the facility on those occasions when he is at the business. Customers will not use the bathroom.

### **RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1109.2 of the Michigan Building Code 2003 and Section 404.2.3 of the 1998 ICC/ANSI A 117.1 code.

As a condition to granting these exceptions, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

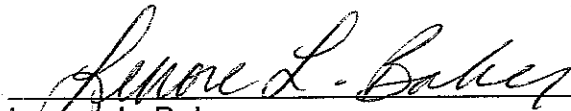
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.

  
Andre Friedlis  
Administrative Law Judge



PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 23rd day of September, 2008.



Lenore L. Baker

State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Patrick W Ostrosky  
City of Wayne  
4001 S. Wayne Rd.  
Wayne, MI 48184

Peter J McInerney  
City of Wayne  
City of Wayne Youth Services  
3355 S. Wayne Rd.  
Wayne, MI 48184



*City of*  
**WAYNE**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**RECEIVED**

August 7, 2008

AUG 11 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review Division  
P.O. Box 30255  
Lansing, MI 48909

Re: 3030 S. Wayne Road  
Wayne, MI 48184

To Whom It May Concern,

This is to submit the City's **Application for Barrier Free Design Rule Exception** dated August 7, 2008 for the City-owned building located at 3030 S. Wayne Road, Wayne, MI.

Also included is a fully dimensioned, drawn to scale, building plan and the City's check (No. 085042) in the amount of \$300.00 dated August 7, 2008.

The City is in the process of selling subject property to a private owner. Please keep me advised as to the status of the City's application.

Very truly yours,

Peter J. McInerney  
Community Development Director

c: Ramzi J. El-Gharib  
Patrick W. Ostrosky

Certified Mail No. 7003 1010 0003 1986 0227

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review Divi  
P.O. Box 30255, Lansing, MI 48909  
517-241-9328  
www.michigan.gov/bcc

133

81 664

Application Fee: \$300.00

Authority: 1966 PA 1 Completion: Mandatory Penalty: Exception will not be granted	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.
---	---

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990 42 U.S.C. 12204

Tran Info: 133 14208608-1 08/08/08  
CHK#: 085042 Amt: \$300.00  
ID: CITY OF WAYNE

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>	
FACILITY NAME <u>City of Wayne Youth Services</u>	STREET / SITE ADDRESS <u>3030 S. WAYNE RD</u>
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: <u>WAYNE</u>	COUNTY <u>WAYNE</u>
Estimated Project Cost \$ <u>N/A</u>	Estimated Cost of Compliance \$
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)	
<input type="checkbox"/> New Building <input type="checkbox"/> Alteration <input checked="" type="checkbox"/> Change of Use	Building Permit / File Number <u>N/A</u>
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	PERIOD OF TIME REQUESTED? <u>PERMANENT</u>
	USE GROUP <u>FROM B TO M</u>
	CONSTRUCTION TYPE <u>2-B</u>
Project Does Not Comply With Barrier Free Design Requirements As Follows: <u>BUILDING IS CINDER BLOCK CONSTRUCTION, ALL ROOMS ARE CINDER BLOCK INCLUDING BATHROOM, Michigan Building Code Section(s) THAT DOES NOT MEET SECTION 1109.2.1, 1109.2.1.6 AND ICC/ANSI A117.1-1998 404-2.3 CLEAR WIDTH DOOR OPENING.</u>	
Reason for Non-Compliance <u>SIZE OF BATHROOM DOES NOT MEET MINIMUM MANEUVERING CLEARANCES AND CLEAR WIDTH OF DOOR OPENING (ONLY 30"), BATH ROOM IS CONSTRUCTED WITH CINDER BLOCKS. BATHROOM CAN NOT MEET 60" WHEELCHAIR TURNING SPACE.</u>	
NAME <u>PATRICK W. OSTROSKY</u>	ENFORCING AGENCY <u>CITY OF WAYNE</u>
ADDRESS <u>4001 S. WAYNE RD</u>	TELEPHONE NUMBER (Include Area Code) <u>734-728-9100</u>
	FAX NUMBER (Include Area Code) <u>734-728-2159</u>
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <u>Patrick W. Ostrosky</u>	
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)	
NAME <u>Peter J. McInerney</u>	COMPANY NAME <u>City of Wayne</u>
ADDRESS <u>3355 S. Wayne Rd</u>	STATE <u>MI</u>
CITY <u>Wayne</u>	ZIP CODE <u>48184</u>
	TELEPHONE NUMBER (Include Area Code) <u>(734) 722-2002</u>
	FAX NUMBER (Include Area Code) <u>(734) 722-5052</u>
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.	
APPLICANT SIGNATURE (Must be an original signature) <u>Peter J. McInerney</u>	DATE <u>August 7, 2008</u>

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Jackalopes Bar and Grill  
3530 Biddle Avenue  
Wyandotte, MI,

Applicant

Docket No. 2008-1260

Agency No. 82337

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

RECEIVED

OCT 23 2008

Issued and entered  
this 22nd day of October, 2008  
by Lauren G. Van Steel  
Administrative Law Judge

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended, MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.201 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held October 7, 2008, in Lansing Michigan. Present were Bruce Chapin representing the Applicant, and Usha Menon representing the Plan Review Division. Mr. Chapin testified on behalf of the Applicant. In addition, the Applicant offered the following exhibit, which was admitted into evidence:

1. Applicant's Exhibit 1 is a statement/request for variance, dated August 29, 2008.

The record was closed at the conclusion of hearing.

### **ISSUES**

Should an exception be granted the Applicant from Section 1108.2.7 of the 2006 Michigan Building Code (MBC)?

### **FINDINGS OF FACT**

Based on the entire record in this matter, including the witness testimony and admitted exhibit, the following findings of fact are established:

In 2003, Mr. Chapin purchased the Jackalopes Bar and Grill, Applicant, which was a club bar in Wyandotte, Michigan, for approximately 35 years. In February 2008, Mr. Chapin evicted the former tenants and has been since attempting to clean and renovate the interior of the building in order to re-open the business. He is putting in a bandstand area, as well as renovating the kitchen and videogame areas. The capacity for the bar is approximately 98 to 110 persons. Applicant plans to operate the business on three evenings a week: Thursdays, Fridays and Saturdays. Mr. Chapin, the owner, has other employment.

The building in question is approximately 18,000 square feet in size. It is divided down the middle into 9,000 square-foot halves. This matter concerns the side of the building that contains the bandstand and sound booth.

Applicant is first seeking an exception from putting in a ramp or platform lift to the bandstand. The bandstand is set at 10 inches higher than the rest of the flooring. (Note: Petitioner's Exhibit No. 1 indicates it is 12 inches higher.) Mr. Chapin believes that there will be typically four band members, who may be bar employees or in traveling bands, using the bandstand area. The bandstand is 135 square feet; the dance floor is 418 square feet. [Pet. Exhibit 1].

Mr. Chapin credibly testified that an addition of a ramp to the bandstand, being 10 to 12 feet long, would significantly cut into the dance floor space. Such a ramp would also cause a trip hazard to dancers on the dance floor. The addition of a railing with a ramp would cause a poke hazard to dancers. Mr. Chapin pointed out that a band member with a disability would not be significantly separated from the rest of the group because the bandstand is only 10 inches higher than the rest of the floor. An addition of a platform lift to the bandstand would cost approximately \$4,000.00, which is about 25% of the total amount of money that Applicant expects to put into the renovation (not including the liquor license). To date, Applicant has spent about \$1,300.00 on the bandstand, using salvage materials and Mr. Chapin's own labor.

Applicant is further seeking an exception from putting in a ramp or lift to the sound booth and/or expanding the size of the sound booth, which is six inches higher than the rest of the flooring and six feet by six feet in size, with a 30-inch wide door. The sound booth, a pre-engineered unit, accommodates just one employee, who would be expected to stand or sit on a high stool in order to see over customers to the dance floor. [Pet. Exhibit 1]. Mr. Chapin credibly testified that the addition of a ramp to the sound booth would block an emergency exit on one side or necessitate taking out a significant portion of seating for customers (probably half of the planned seating booths along the wall). No customers would be allowed in the sound booth, given the cost of sound equipment. Expanding the size of the sound booth and booth door so that a person in a wheelchair could turn around would mean that the sound booth would block the emergency exit or else use up a significant portion of seating for customers and be out of proportion with the rest of the area. It would likely cost \$4,000.00 for a platform lift to the sound booth and \$1,000.00 to expand the sound booth.

### CONCLUSIONS OF LAW

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible. 1988 AACRS, R 125.1014(1).

Section 1108.2.7 of the MBC provides:

**1108.2.7 Performance areas.** An accessible route shall directly connect the performance area to the assembly seating area where a circulation path directly connects a performance area to an assembly seating area. An accessible route shall be provided from performance areas to ancillary areas or facilities used by performers.

Compelling need based on structural limitations (the emergency exit location), the limited proposed use of the bandstand and sound booth areas, and the expected cost to provide an accessible route to the areas in question has been presented to support the Applicant's exception request. The proposed use for the bandstand is limited and a ramp would likely pose a trip hazard to dancers. A band member with a disability would have close proximity to the rest of the band, without a ramp or platform lift. The proposed use for the sound booth is also very limited. Creating an accessible route to the sound booth

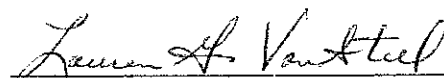
would effectively require expansion of the sound booth to an extent out of proportion to the area, block an emergency exit or significantly cut into customer seating space. Further, the expense involved in providing an accessible route to either the bandstand or the sound booth through a platform lift is not justified based on the proposed limited use for these areas of the building. Therefore, compelling need for an exception is shown pursuant to 1988 AACRS, R 125.1014(2).

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1108.2.7 of the MBC for an accessible route to the bandstand and sound booth areas in the Applicant building.

As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.



**Lauren G. Van Steel**  
**Administrative Law Judge**



**PROOF OF SERVICE**

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 2nd day of October, 2008.



Christy L. Livingston

State Office of Administrative Hearings and Rules

Bruce Chapin  
Jackalopes Bar and Grill  
3540 Biddle Avenue  
Wyandotte, MI 48192

Jean Claude Marcoux  
City of Wyandotte  
3131 Biddle Avenue  
Wyandotte, MI 48192

Todd Cordill  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Usha Menon  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
P.O. Box 30254  
Lansing, MI 48909

**Request for variance of handicapped ramp requirements and sound booth dimensions at  
Jackalope's Bar and Grill  
Wyandotte, Michigan**

I have been told by the local authority that I must install a wheel chair ramp to both my band stand and my sound control booth and that the sound booth is too small. Therefore the booth must be made larger and the door made 36" wide to be handicap accessible.


Bandstand and area specifications: Bandstand is 135 sq. ft. The dance floor below it is 418 sq. ft. The band stand is raised 12". See attached drawing.

I am requesting that a variance be granted for the required access ramp to the bandstand for a number of reasons.

- 1 The installation of a ramp will make 48 sq ft of the dance floor unusable. Over 10%
- 2 Installation of a ramp in the only area possible will pose a hazard to the people on the dance floor.
- 3 The bandstand does not have sufficient space for band members, instruments, sound equipment and a wheel chair
- 4 The 12" elevation is not sufficient to segregate a wheel chair bound band member from performing with the band, from the dance floor. As would a larger bandstand with greater elevation.

I am requesting that a variance be granted for the required access ramp to the sound booth and that the sound booth remain the size and in the location as designed for four reasons  
See attached drawing

- 1 The sound booth is a pre-engineered unit containing highly technical acoustic and light controls. It is elevated for visual observation of lighting and audience response.
- 2 The sound booth is operated by one highly skilled technician who must work from a standing or high stool position
- 3 The sound booth is not accessible to the public or customers, negating the need for a 36" door and a wheel chair ramp.
- 4 The only place a ramp can be placed will block the emergency exit which is in violation of the building code.



Architect



Owner

Date 8.29.2008

**RECEIVED**

SEP 09 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review Di  
P.O. Box 30255, Lansing, MI 48909  
517-241-9328  
www.michigan.gov/bcc

133

82337

Application Fee: \$300.00

Authority: 1966 PA 1 Completion: Mandatory Penalty: Exception will not be granted.	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.
--	--

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990 42 U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>				
FACILITY NAME Jackalope's Bar and Grill			STREET / SITE ADDRESS 3530 Biddle Ave.	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Wyandotte			COUNTY Wayne	
Estimated Project Cost \$ 5,000.00			Estimated Cost of Compliance \$ 2,000.00	
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use			Building Permit / File Number <u>permit not issued yet</u>	
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP A-2	CONSTRUCTION TYPE 3B
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) 110.8.2.7 Performance Areas Reason for Non-Compliance Owner of proposed bar feels that installation of a ramp to these two elevated performance areas will eliminate needed space in the bar area.				
NAME Jean Claude Marcoux		ENFORCING AGENCY City of Wyandotte		TELEPHONE NUMBER (Include Area Code) 734-324-4569
ADDRESS 3131 Biddle		CITY Wyandotte	ZIP CODE 48192	FAX NUMBER (Include Area Code) 734-324-4535
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Jean Claude Marcoux</i>				
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)				
NAME Charles A. Danowski		MICHIGAN LICENSE NUMBER 13529	FIRM NAME Charles A. Danowski	
ADDRESS 1660 Boxford	CITY Trenton	STATE MI	ZIP CODE 48134	TELEPHONE NUMBER (Include Area Code) (734) 676-9333
<b>APPLICANT</b> (Note: All correspondence will be sent to this address)				
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Bruce Chapin		COMPANY NAME Jackalope's		SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED) [REDACTED]
ADDRESS 3540 Biddle Ave.	CITY Wyandotte	STATE MI	ZIP CODE 48192	TELEPHONE NUMBER (Include Area Code) (734) 281-2200
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.				FAX NUMBER (Include Area Code) (734) 281-7294
APPLICANT'S SIGNATURE (Must be an original signature) <i>Bruce Chapin</i>			DATE 9/4/08	

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Lapeer Community Church  
80 N. Lake Pleasant Road  
Attica, MI  
Applicant

Docket No. 2008-1278

Agency No. 82484

Agency: Bureau of Construction Co

Case Type: Barrier Free Design  
Exception Request

5. EXCEPTION APPLICATIONS  
08. 82484

RECEIVED

OCT 14 2008

BUREAU OF CONSTRUCTION SERVICES  
BARRIER FREE DIVISION

Issued and entered  
this 9 day of October, 2008  
by Lauren G. Van Steel  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.201 *et seq*.

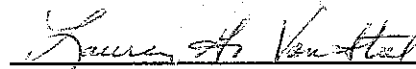
The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was scheduled for 10:00 a.m. on October 7, 2008. Present was Usha Menon representing the Barrier Free Design Division. The Applicant failed to appear. It is the responsibility of the Applicant to appear at the hearing in order to present compelling need why an exception should be granted.

The records of the State Office of Administrative Hearings and Rules indicate that proper notice of the hearing was sent to the Applicant, that no adjournment was

granted, and that no explanation has been provided for the Applicant's absence from the hearing. I find the Applicant had a duty to appear in order to present competent evidence concerning the request for exception.

As indicated above, exception requests are approved only when compelling need has been demonstrated by the Applicant. In the absence of the Applicant, no proof was advanced to establish compelling need.

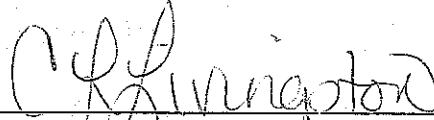
For these reasons, I recommend the request for exception be denied.

A handwritten signature in cursive script, reading "Lauren G. Van Steel", is written over a horizontal line.

**Lauren G. Van Steel**  
**Administrative Law Judge**

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 9 day of October, 2008



Christy Livingston

State Office of Administrative Hearings and Rules

John Sharp  
Construction Code Authority  
1075 Suncrest Drive  
Lapeer, MI 48446

Richard Schwab  
Lapeer Community Church  
80 N. Lake Pleasant Road  
Attica, MI 48412

Todd Cordill  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Usha Menon  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
P.O. Box 30254  
Lansing, MI 48909

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SEP 16 2008

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review  
P.O. Box 30255, Lansing, MI 4890  
517-241-9328  
www.michigan.gov/bcc

133

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION  
Application Fee: \$300.00

82 484

Authority: 1966 PA 1 Completion: Mandatory Penalty: Exception will not be granted	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.
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The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Trans Info: 133 14288823-1 09/12/08

Chk#: 2831 Amt: \$300.00

ID: RICHARD SCHWAB

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>			
FACILITY NAME <u>LAPEER Community Church</u>		STREET / SITE ADDRESS <u>80 N. LAKE PLEASANT RD.</u>	
NAME OF CITY VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input type="checkbox"/> City <input checked="" type="checkbox"/> Village <input type="checkbox"/> Township Of: <u>Attica</u>		COUNTY <u>LAPEER</u>	
Estimated Project Cost \$ <u>400,000.00</u>		Estimated Cost of Compliance \$ <u>25,000.00</u>	
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)			
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input checked="" type="checkbox"/> Change of Use		Building Permit / File Number <u>07-00631</u>	
Is a Temporary Exception Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? <u>3 YEARS</u>	USE GROUP <u>A-3</u>
		CONSTRUCTION TYPE <u>3B</u>	
Project Does Not Comply With Barrier Free Design Requirements As Follows. <u>NO ACCESSIBLE ROUTE CONNECTING MAIN FLOOR LEVEL TO THE RAISED STAGE</u>			
Michigan Building Code Section(s) <u>1104.4</u>			
Reason for Non-Compliance <u>COST IS 4 TO 5 TIMES ESTIMATED COST DUE TO STATE REQUIREMENTS FOR A LIFT. EXISTING STRUCTURE/SPACE MAKE IT EXTREMELY DIFFICULT TO BUILD A RAMP. WE NEED TIME TO SEEK SOLUTIONS AND RAISE MONEY</u>			
NAME <u>JOHN SHARP</u>		ENFORCING AGENCY <u>CONSTRUCTION CODE AUTHORITY</u>	
ADDRESS <u>1075 EMM SUNCREST DRIVE</u>		CITY <u>LAPEER</u>	ZIP CODE <u>48446</u>
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <u>[Signature]</u>		TELEPHONE NUMBER (Include Area Code) <u>(810) 667-0420</u>	
		FAX NUMBER (Include Area Code) <u>(810) 667-29582</u>	
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)			
NAME <u>R. JAMES WILSON</u>		MICHIGAN LICENSE NUMBER <u>10519</u>	FIRM NAME <u>Wilson &amp; Assoc. Arch.</u>
ADDRESS <u>23 N. WASHINGTON</u>		CITY <u>OXFORD</u>	STATE <u>MICH</u>
		ZIP CODE <u>48371</u>	TELEPHONE NUMBER (Include Area Code) <u>1-248-678-1535</u>
<b>APPLICANT</b> (Note: All correspondence will be sent to this address)			
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE <u>Richard Schwab</u>		COMPANY NAME <u>LAPEER Community Church</u>	
ADDRESS <u>80 N. LAKE PLEASANT RD.</u>		CITY <u>Attica</u>	STATE <u>MI</u>
		ZIP CODE <u>48412</u>	TELEPHONE NUMBER (Include Area Code) <u>510-724-8800</u>
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge		FAX NUMBER (Include Area Code) <u>N/A</u>	
APPLICANT SIGNATURE (Must be an original signature) <u>[Signature]</u>		DATE <u>9-10-08</u>	